

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 2:15-cr-20217-1

HONORABLE STEPHEN J. MURPHY, III

v.

D-1 DAVID HANSBERRY,

Defendant.

_____ /

**ORDER DENYING DEFENDANT'S MOTIONS
FOR CLARIFICATION ON DEADLINE TO FILE 2255 MOTION [292, 293]**

On October 9, 2020 the Court received two motions from Defendant David Hansberry that requested clarification on when to file his 28 U.S.C. § 2255 motion for habeas corpus relief. ECF 292, 293. But the Court lacks jurisdiction to answer those requests. *See United States v. Asakevich*, 810 F.3d 418, 420 (6th Cir. 2016) ("[N]o justiciable controversy exists when parties . . . ask for an advisory opinion. This prohibition covers a party's—in truth a non-litigant's—request for an opinion[] advising what the law would be upon a hypothetical state of facts.") (internal citations and quotations omitted). Although the Court may determine whether a § 2255 motion is timely, doing so before the actual motion is filed would be an advisory opinion. The Court will therefore deny Defendant's motion for clarification.

Should Defendant file his § 2255 motion the Court will have an active "case or controversy" and consider the timeliness of the motion. *Id.*

WHEREFORE, it is hereby **ORDERED** that Defendant's motions for clarification on deadline to file § 2255 motion [292, 293] are **DISMISSED**.

SO ORDERED.

s/ Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: October 19, 2020

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on October 19, 2020, by electronic and/or ordinary mail.

s/ David P. Parker
Case Manager